IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 22969 of 2004

Between:

Penumatsa Sree Rama Raju, S/o.Late Sundra Rama Raju,
R/o.Dharmaraopet, Koyalagudem Mandal,
W.G.District.

..... PETITIONER

AND

1 The Sub-Divisional Police Officer, Jangareddigudem, West Godavari District
2 The Sub-Divisional Magistrate / Revenue Divisional officer, Jangareddygudem, West Godavari District.
3 The Station House officer, / Sub-Inspector of Police, Buttaigudem P.S., Buttaigudem, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order direction writ more particularly writ of mandamus declare the action of the respondents in not taking action on the petitioner's complaint dt. 19-8-2004 as being illegal arbitrary and violative of Article 14 and 300-A of the Constitution of India and consequentially direct the respondents to provide necessary police protection to the petitioner's land situated in R.S.Nos.14 Ac.2.00 cts of Koyarajahmundry village, Buttaigudem Mandal, West Godavari

District.

Counsel for the Petitioner:MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims to be the owner of agricultural land in survey No. 14 of Koyarajahmundry village, Buttaigudem mandal, West Godavari district. He complains that certain persons claiming to be the tribal in the area, are interfering with his possession and enjoyment over the land and are preventing him from cultivating the land and harvesting the crop. He alleges that though he submitted complaint to the third respondent in this regard, no action has been taken thereon.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The writ petition was initially listed for admission on 10.12.2004. Learned Government Pleader for Home took time to obtain instructions. It is stated that on receiving the complaint from the petitioner, the third respondent has taken all possible measures to prevent any interference or commission of unlawful activities.

The complaint submitted by the petitioner needs to be attended to by the third respondent. It is the obligation of the State to accord necessary protection to enable the citizens to enjoy their rights. If there exists any dispute as to title or possession, the parties concerned can be required to resolve their disputes before the civil Courts. However, indiscriminate interference without claiming any rival right cannot be permitted.

For the foregoing reasons, the writ petition is disposed of directing the third respondent to take necessary steps in the matter of according protection to the petitioner to enjoy his rights over the land. No order as to costs.

28.12.2004

ksld

To

1 The Sub-Divisional Police Officer, Jangareddigudem, West Godavari District
2 The Sub-Divisional Magistrate / Revenue Divisional officer, Jangareddygudem, West Godavari District.
3 The Station House officer, / Sub-Inspector of Police, Buttaigudem P.S., Buttaigudem, West Godavari District.

4 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT).

5 Two CD copies.